

388
BILL NO. G-89-0412

GENERAL ORDINANCE NO. G- 11-89.

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating an easement thereof.

WHEREAS, a petition to vacate a public easement within
the City of Fort Wayne (as more specifically described
below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing
thereon; and

WHEREAS, said Commission has duly forwarded its
recommendation to this body approving said petition, all in
accordance with I.C. 36-7-4-512(2) and this body having held
a public hearing on said vacation as provided in I.C. 36-7-
4-12; and

WHEREAS, this body concurs in the recommendation of the
City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a
public easement within the City of Fort Wayne, more
specifically described as follows, to-wit:

Vacation of a 14 foot wide utility easement
located at the north seven (7) feet of Lot 12 and
the south seven (7) feet of Lot 13 of Summit
Industrial Park excepting therefrom the eastern
most twenty (20) feet of said easement.

The South twenty (20) feet of Lots 14 and 15 of Summit
Industrial Park except the western most twenty (20)
feet of Lot 15.

and which vacating amends the Thoroughfare Plan of the City
Comprehensive ("Master") Plan and is hereby approved in all
respects.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage, any and all necessary

#388

approval by the Mayor.

Janet G. Bradbury
COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

** Public hearing to be held on _____,
the _____ day of _____, 1989,
in the Council Chambers.

Sandra E. Kennedy, City Clerk

Read the first time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Resolution (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on Monday, the 9th day of May, 1989, at 7:00 o'clock P., M., E.S.T.

DATE: 4-25-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u> </u>	<u> </u>	<u> </u>	<u>1</u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>LONG</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u>✓</u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 5-9-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. Y-11-89

on the 9th day of May, 1989,

ATTEST:

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Charles S. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of May, 1989, at the hour of 11:00 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 15th day of May, 1989, at the hour of 11:20 o'clock A. M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

Date Filed: April 3, 1989

Vacation Petition

I/We the Fort Wayne Redevelopment Commission
(Applicant's Name or Names)

PETITION TO VACATE a twenty foot utility easement adjacent to Disc Drive
(Street, Alley, Utility Easement, Plat,
Other)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully
petition the Fort Wayne City Plan Commission to vacate the
following Disc Drive
twenty foot utility easement adjacent to with the City of Fort
Wayne, Indiana, and hereby described as follows:

The south twenty feet of Lots 14 and 15 of Summit Industrial Park except the western
most twenty feet of Lot 15. (See attached map)

(Legal Description of property being vacated) If additional
space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as
follows:

(List reasons for requesting vacation.)

This utility easement is adjacent to Disc Drive in Summit Industrial Park. The
Redevelopment Commission is in the process of having Disc Drive vacated, and owns
all of the real estate adjacent to both the utility easement and Disc Drive. A
company has exercised an option to purchase all of the real estate adjacent to
Disc Drive and the utility easement subject to the vacation of the utility easement.
(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority
granted in Indiana Code, Section 36-7-4-512 in order to complete
the vacation as above described.

WHEREFORE, your petitioner(s) pray that the above described
utility easement be vacated according to the provisions
of the Indiana Law pertaining thereto.

DATED THIS 3rd DAY OF April 19 89

Fort Wayne Redevelopment Commission
Adjacent Property Owner
Typed Name
Room 840, City-County Building

Fort Wayne, Indiana 46802
Address

Ronald Fletcher
Signature

Adjacent Property Owner
Typed Name

Address

Signature

Legal Description of Property:

Additional Reasons for Vacation Request:

Owners of Adjacent Property:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Adjacent Property
Owners TYPED Name

Address

Signature

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE
PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC
HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:

Ronald Fletcher, Executive Director
Typed Name
Room 840, City-County Building
Fort Wayne, Indiana 46802
Address / City / State / Zip Code

(219) 427-1127
Phone Number

DWIG



Date Filed: April 3, 1989

Vacation Petition

I/We the Fort Wayne Redevelopment Commission
(Applicant's Name or Names)

PETITION TO VACATE A 14 foot utility easement
(Street, Alley, Utility Easement, Plat,

Other)

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioner(s), do (does) hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following fourteen foot utility easement with the City of Fort Wayne, Indiana, and hereby described as follows:

A 14 foot utility easement located at the north 7feet of Lot 12 and the south seven feet of Lot 13 of Summit Industrial Park excepting there from the eastern most 20 feet of said easement

(Legal Description of property being vacated) If additional space is needed use reverse side.)

In support thereof, your petitioner(s) would represent as follows:

(List reasons for requesting vacation.)

~~The Fort Wayne Redevelopment Commission owns both Lots 12 and 13 of Summit Industrial Park~~ The Commission has excepted an offer to purchase Lots 10 to 15 of said Park subject to this easement being vacated.

(If additional space is needed use reverse side.)

Your petitioner(s) file this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioner(s) pray that the above described utility easement be vacated according to the provisions of the Indiana Law pertaining thereto.

DATED THIS 3rd DAY OF April 19 89

Fort Wayne Redevelopment Commission
Adjacent Property Owner
Typed Name
Room 840, City-County Building
Fort Wayne, Indiana 46802

Address

Signature

Adjacent Property Owner
Typed Name

Address

Signature

Legal Description of Property:

Additional Reasons for Vacation Request:

Owners of Adjacent Property:

Adjacent Property Owners TYPED Name	Address	Signature

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

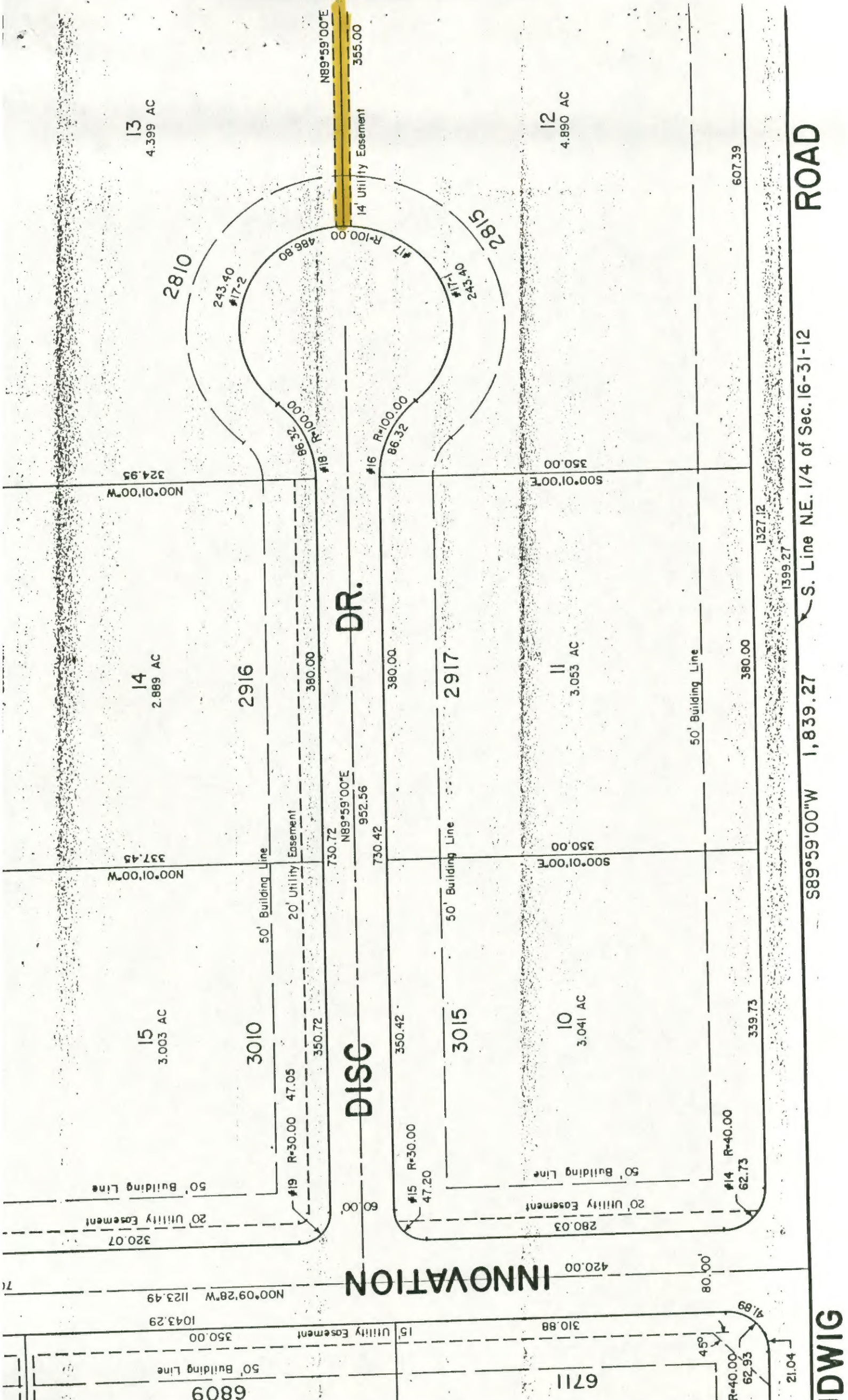
FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

This form is to be filed in duplicate.

AGENT:

Ronald Fletcher, Executive Director
Typed Name
Room 840, City-County Building
Fort Wayne, Indiana 46802
Address / City / State / Zip Code

(219) 427-1127
Phone Number



#388
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Utility Easement Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE A 14 foot wide utility easement running East and west along
Lots 12 & 13, except the eastern most 20 feet, and the South 20 feet of Lots 14 & 15,
except the western most 20 feet in Summit Industrial Park.

G-89-04-12

EFFECT OF PASSAGE Property is presently dedicated utility easements. Property
would be vacated and revert to the use of the adjacent property owner.

EFFECT OF NON-PASSAGE Property would remain dedicated utility easements.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))

BILL NO. G-89-04-12

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
STIER, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~XXXXXXXXXX~~ (RESOLUTION) amending the
Thoroughfare Plan of the City Comprehensive ("Master") Plan
by vacating an easement thereof

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND
BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID

(ORDINANCE)

(RESOLUTION) Do Not

DO PASS

DO NOT PASS

ABSTAIN

NO REC

<u>Janet G. Bradbury</u>			
<u>David C. Long</u>			
<u>Samuel J. Talarico</u>			

DATED: 5-9-89.

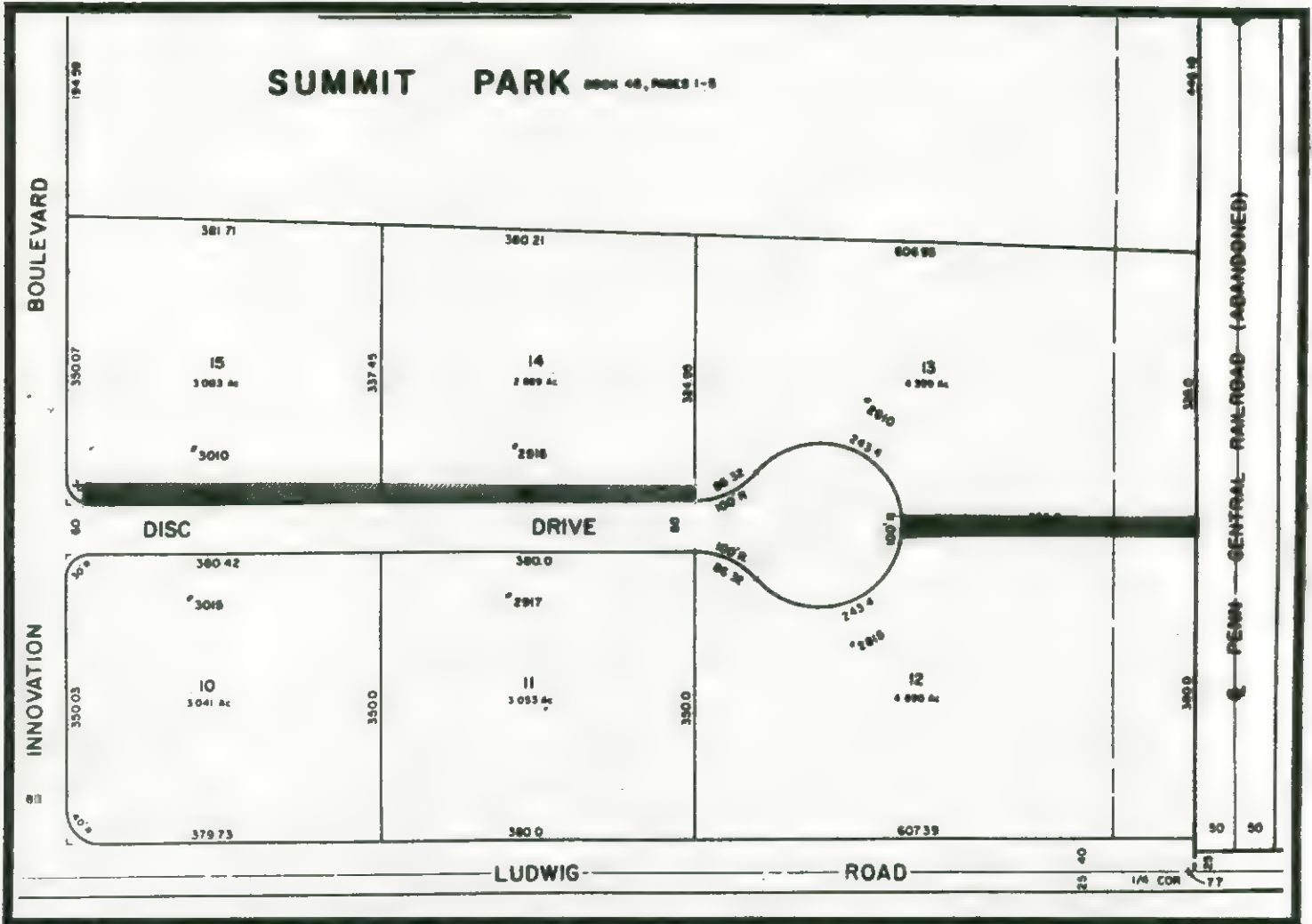
Sandra E. Kennedy
City Clerk

VACATION PETITION #388

A PETITION TO VACATE THE DESCRIBED PORTION OF PUBLIC UTILITY EASEMENT.

MAP NO. I-42

COUNCILMANIC DISTRICT NO. 3



ZONING:

M2 GENERAL INDUSTRY

LAND USE:

☐ VACANT

SCALE: 1"=200'

DATE: 4-4-89



THE CITY OF FORT WAYNE

April 26, 1989

Ms. Cynthia Wilkins
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Wilkins:

Please give the attached full coverage on the date of April 29, 1989 in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. R-89-04-09 & R-89-04-10
Declaratory Resolution

Bill No. G-89-04-11
Right-of-Way Vacation Ordinance

Bill No. G-89-04-12
Utility Easement Vacation Ordinance

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 3

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-89-04-12)

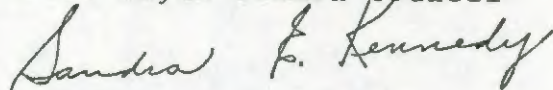
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, May 9, 1989, at 7:00 P.M., (EST) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Vacation of a 14 foot wide utility easement located at the north seven (7) feet of Lot 12 and the south seven (7) feet of Lot 13 of Summit Industrial Park excepting therefrom the eastern most twenty (20) feet of said easement.

The South twenty (20) feet of Lots 14 and 15 of Summit Industrial Park except the western most twenty (20) feet of Lot 15.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council

A handwritten signature in cursive script, appearing to read "Sandra E. Kennedy".

Sandra E. Kennedy
City Clerk

Fort Wayne Common Council
(Governmental Unit)To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

Allen County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

3

16

4

23

COMPUTATION OF CHARGES

23 lines, 1 columns wide equals 23 equivalent lines
at .330 cents per line\$ 7.59Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 9.59

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions _____

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: April 29, 19 89Title: Larry Thompson Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Larry Thompson who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time(s), the dates of publication being as follows:

4/29/89Larry ThompsonSubscribed and sworn to before me this 29th day of Apr, 19 89Shelley R. Larue
Notary Public Whitley County, IN

SHELLEY R. LARUE

My commission expires: March 3, 1990NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-89-04-12)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, May 9, 1989, at 7:00 P.M., (E.S.T.) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Vacation of a 14 foot wide utility easement located at the north seven (7) feet of Lot 12 and the south seven (7) feet of Lot 13 of Summit Industrial Park excepting therefrom the eastern most twenty (20) feet of said easement.

The South twenty (20) feet of Lots 14 and 15 of Summit Industrial Park except the western most twenty (20) feet of Lot 15.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

(Governmental Unit)

Allen

County, Indiana

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

3

Body -- number of lines

16

Tail -- number of lines

4

Total number of lines in notice

23

COMPUTATION OF CHARGES

23 lines, 1 columns wide equals 23 equivalent lines
at .330 cents per line

7.59

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

2.00

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

9.59

TOTAL AMOUNT OF CLAIM

\$

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions _____

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: April 29, 19 89Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Larry Thompson who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time (s), the dates of publication being as follows:

4/29/89

Subscribed and sworn to before me this 29th day of Apr, 19 89Notary Public Whitley County, IN
SHELLEY R. LARUEMy commission expires: March 3, 1990NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-89-04-12)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, May 9, 1989, at 7:00 P.M., (E.S.T.) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

Vacation of a 14 foot wide utility easement located at the north seven (7) feet of Lot 12 and the south seven (7) feet of Lot 13 of Summit Industrial Park excepting herefrom the eastern most twenty (20) feet of said easement.

The South twenty (20) feet of Lots 14 and 15 of Summit Industrial Park except the western most twenty (20) feet of Lot 15.

All interested parties are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk